

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA)
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)
 v.) Case No. 08-CR-0092
)
 JOHN K. STEPHENS,)
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 Defendants.)
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PRELIMINARY ORDER OF FORFEITURE

Based upon the motion of the United States, the entire file in this case, and good cause appearing, the Court finds that:

1. On June 4, 2008, a federal grand jury sitting in Madison, Wisconsin, returned an indictment against defendant John K. Stephens. Count 1 charged possession of two computer hard drives containing visual depictions that were produced using materials, specifically said hard drives, which had previously been shipped in interstate and foreign commerce, and the production of such visual depictions involved the use of minors engaging in sexually explicit conduct, and the depictions are of such conduct, in violation of Title 18, United States Code, Section 2252(a)(4)(B). Count 2 of the indictment contained a forfeiture allegation for the forfeiture of one Generic Computer, no serial number; a 40 Gb Seagate ST 340014A hard drive, serial number 3JV868EF; an eMachine T6426, serial number GDC64 B00 57111; and a 200 Gb Western Digital WD2000BB, serial

number WCALL1677049, by virtue of the commission of the offense charged in Count 1, pursuant to Title 18, United States Code, Section 2253.

2. On September 29, 2008, the defendant entered a plea of guilty to Count 1 of the indictment pursuant to a written plea agreement. The plea agreement provided that the defendant agree to the forfeiture of one Generic Computer, no serial number; a 40 Gb Seagate ST 340014A hard drive, serial number 3JV868EF; an eMachine T6426, serial number GDC64 B00 57111; and a 200 Gb Western Digital WD2000BB, serial number WCALL1677049, as set forth in Count 2 of the indictment.

IT IS THEREFORE ORDERED:

1. That based upon John K. Stephens's guilty plea, and pursuant to Title 18, United States Code, Section 2253; Title 21, United States Code, Section 853; and Rule 32.2 of the Federal Rules of Criminal Procedure, the defendant forfeits to the United States his right, title, and interest in the following:

- a. One Generic Computer, no serial number;
- b. a 40 Gb Seagate ST 340014A hard drive, serial number 3JV868EF;
- c. an eMachine T6426, serial number GDC64 B00 57111; and
- d. a 200 Gb Western Digital WD2000BB, serial number WCALL1677049.

2. The United States Marshals Service is directed to seize and take custody of the above-referenced property.

3. Pursuant to 21 U.S.C. § 853 (n), as incorporated by 18 U.S.C. § 2253(b), the United States shall publish notice of the order and of its intent to dispose of property in

such a manner as the Attorney General may direct. Any other person, other than the defendant, having or claiming a legal interest in any of the forfeited property must file a petition with the Court within thirty days of final publication notice or receipt of actual notice, whichever is earlier.

a. The petition shall be for a hearing to adjudicate the validity of a petitioner's alleged interest in the forfeited asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited asset and any additional facts supporting the petitioner's claim and the relief sought.

b. The United States may also, to the extent practicable, provide direct written notice to any person who has an alleged interest in the forfeited asset, as a substitute for published notice.

4. Upon adjudication of any and all third party interests, this Court will enter a Final Order of Forfeiture, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

ORDERED this 28th day of October 2008.


BARBARA B. CRABB
Chief United States District Judge